Revenue

G.R.S. IX—5]

Previous references 1927 (Mun) **File No.** 59-22

Serial Nos. 23 to 26

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 4

Part B for June 1923.

SUBJECT

Filing of Suits regarding the recovery of dues of the Nizamkatte Math

---

G.O.P. C—2/mun dt. 25.6.23 passing orders regarding the filing of Suits in the matter

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

D. 22963
& D 22973

Communications from the Munsif Court in Hagari.

The question relating to the appointment of a successor to Bhimanakatte Matt in the Sirsi taluk, is before Govt. and the Mun. Court has been asked to expedite submitting his reports for a speedy disposal. The connected file is put up.

The Mun. Court has reports that suits have to be filed in respect of grants due to the Matt, and that on a demand being made by the Amildar

N. B. -Shouldroutine notes be written on small slips the notes must b cipoed, or slips pasted on this form.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Immediate

I handed with compliments
& the first Advocate for
favour of immediate
advice & necessary action
in connection

22.6.15

The action to be taken
in this matter is detailed
in a letter sent this day
to the Revenue Secretary
Enclosing drafts of a Limited
Power of Attorney to be
Executed by the Dr. Shunja
in favour of Mr. Bhujanga
Rao & of an affidavit
to be sworn to by the Dr.
This file and the said letter
with enclosures are sent
with my Dubashes to ensure
prompt
to ensure safe delivery.

N. B. -Should routine notes be written on slips of paper, all slips of the notes must be gummed, or slips pasted on this form.

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

A draft letter to the
Hon Sec is sent for appn.
If this is issued, a formal
may be issued later on.

Dec 25/6/23
Bk
25/6/23 Rowley)

Draft order in duplicate
to Sec is sent for approval

Bbs.
25/6/23 Rowley) Dec 25/6/23

G & N Camps C-E/1102
& 25-6-23
Framing order in the
matter

N B —Should routine notes be written on small slips the notes must be cipoed, or slips pasted on this form

229

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 19.

Serial No.	
105-28-678 28.6.23	Submitted for perusal of the Hon'ble Member. 26/6/23 26.6.23 Sir. This is a very important matter & I am surprised that no order has been issued until the Member's approval being previously obtained for the same. Surely it was not considered that much time would be lost by taking this course of action! I do not wish to say more; except to express the hope that occasion to such will be carefully guarded against in future. 27.6.23 — 28/6/23

NOTE—Contn sheet

c 52 years
Hon.

43072

Office of the Muzrai Commissioner in Mysore
Dated, Bangalore, the 19th June 1923.

From

K. Chandy, Esq., B.A.,
Muzrai Commissioner in Mysore,
Bangalore.

GEN. & REV. SECRETARIAT
20 JUN 1923
MUZ:
C 2296

59-22-23

To

T.E. Jayarama Aiyar, Esq., B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, Revenue Department,
Bangalore.

Sir,

In continuation of this office letter C.No.52 of 22-23 dated 4th June 1923, regarding the succession to the Sheemanakatte Matha, I have the honor to forward herewith for information of Government copy of letter O.C.No.75 (Rev.) of 22-23 dated 16th June 1923 together with a copy of its enclosure from the Deputy Commissioner, Shimoga District, relative to the institution of certain suits on behalf of the Matha and to recommend that as the last date for filing the suit is 29th June, the Government Advocate may kindly be authorised to do all that is necessary for filing the suit in time, and getting a sworn affidavit filed by the Deputy Commissioner of Shimoga who may be considered as trustee for -- Government.

I have the honor to be,
Sir,
Your most obedient servant,
K. Chandy
Muzrai Commissioner.

Letter No.O.C.75 (Rev.) 22-23 dated 16th June 1923 from the Deputy Commissioner, Shimoga District, to the Muzrai Commissioner:--

---

"I have the honor to forward herewith for your information a copy of letter received from one Mr. B. Bhujanga Rao, pleader of Udipi stating that some suits have to be filed on behalf of the Bhimanakatte Matt which is now under Government Management, as the dispute for succession has not been settled. This gentleman kept quiet from 2nd November 1922 till this date without bringing to notice the urgency of filing up of the case which has been entrusted to me by the Matt -- Authorities. Mr. S.R. Balakrishna Rao had been engaged by me for conducting such suits on behalf of the Matt and he had accepted to do the same but unfortunately his health has broken down. I am addressing Mr. S. Seetharamiah, Advocate to give needful instructions in the matter to Mr. B. Bhujanga Rao and conduct the suits in the Mysore State on behalf of the Matt vice Mr. S.R. Balakrishna Rao. I am also sending a copy of Mr. Bhujanga Rao's letter, to the Government Advocate seeking instructions from him."

C o p y.

K Meanday

Muzrai Commissioner.

D.N.

Letter dated 11th June 1923 from Mr. B. Bhujanga Rao, Pleader, Udipi, to the Deputy Commissioner, Shimoga District:--

---

On 28th October 1922, I wrote a letter to the Muzrai Commissioner, Mysore, seeking some instructions re: Bheemanakatte Matt affairs and I was required to correspond with the Deputy Commissioner, Shimoga, for further instructions. My letter was forwarded to Shimoga.

The then Deputy Commissioner intimated to me by letter O.C.75/Rev. 22-23 dated 2nd November 1922 that Mysore Government took up the management of Sri Bheemanakatte Matt under Section 26 of Mysore Muzrai Regulations. Now some suits have to be filed and I do not know how to proceed. Some one is to be impleaded as a trustee. If Mysore Goverment is the trustee suits are to be filed in the name of Coverrment.

O.S.805/21 dismissed for default on 7th November 1922 has to be revived and an instalment bond dated 23rd June 1917 becomes barred by the 30th June 1923. The last instalment of Rs.2,000/- was payable by 30th June 1920. The bond is unregistered. Please be good enough to consult Mysore Government Advocates and intimate to me how to proceed. Something like Rs.1,500/- is yet to be recovered. Rents due to the Matt are as yet not fully recovered and suits may have to be filed.

I think Mysore Government may have to authorise some one by means of a power of attorney registered at Bangalore Contonement to institute suits or at least some Mysore Goverment Officer may have to swear on affidavit that he is now appointed as a trustee for the present.

As immediate action is necessary, delay is impossible.

Mysore Goverment may have to send me a copy of Muzrai Regulations and copies of order of appointment of a trustee. The last day for filing the suit is 29th June 1923.

Copy.

Muzrai Commissioner.

D.N.

C 52 grns
Encls two

Office of the Muzrai Commissioner in Mysore

Dated, Bangalore, the 19th June 1923.

From

43071 K. Chandy, Esquire, B.A.,

Muzrai Commissioner in Mysore,

Bangalore.

GEN. SECTION MU D 2297

59-22-24

To

T.E. Jayarama Aiyar, Esq., B.A., P.L.,

Secretary to the Government of His Highness

the Maharaja of Mysore, Revenue Department,

Bangalore.

0 JUN 1923

Sir,

In continuation of this office letter C.No.52 of 22-23 dated 19th June 1923, I have the honor to forward herewith copy of a further communication (C.C.No.75/Rev.22-23 dated 18th June 1923) received from the Deputy Commissioner, Shimoga District, and to solicit early orders on the recommendation already submitted to authorise the Government Advocate to take all necessary action for filing the suits in time, the Deputy Commissioner being considered as Trustee for Government.

2. A copy of this letter together with a copy of the Deputy Commissioner's letter and its enclosure has also been sent to the Government Advocate to save time.

I have the honor to be,

Sir,

Your most obedient servant,

K. Chandy

Muzrai Commissioner.

D.N.

dtd.-

Letter No.O.C.75/Rev.22-23 dated 16th June 1923, from the Deputy Commissioner, Shimoga District, to the Muzrai Commissioner in Mysore:-

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"In continuation of my letter No.O.C.75/Rev.22-23 dated the 10th instant re: the filing of suits on behalf of the Bheemanakatte Matt etc. I have the honor to forward herewith a copy of letter received from Mr. S. Seetharamiah, Advocate of Shimoga, stating his views on the subject. As the matter is very urgent, I request you to place yourself in communication with the Government and obtain needful orders. The Government Advocate has also been communicated on the subject."

Copy.

for Muzrai Commissioner.

D.N. 19/6/23

Letter No.607 dated 15th June 1923 from Mr. S. Seetharamiah, Advocate, Shimoga, to the Deputy Commissioner, Shimoga District:-

---

"I am in receipt of your Memo No.C.C.75/22-23 and the enclosed copy of letters.

I perused the above correspondence and carefully considered the provisions of the Muzrai Regulation and the Civil Procedure bearing on the point. In the appendix given at 22, 23, 24 and 25 of the Mysore Muzrai Manual are given the powers and duties of the Deputy Commissioners, Muzrai Superintendent and the Government in Muzrai matter power to file such suits is not mentioned therein.

Since the Government of Mysore have taken over the management of the Mutt, the Government alone have to file such suits for and on behalf of the Mutt, and the procedure to be adopted in filing such suits, in the absence of any specific provision relating to such matters is that laid down in the Civil Procedure Code Section 79 & Order 27 Rules 1, 2 and 5.

These provisions do not empower the Deputy Commissioner or any other officer ex-officio or otherwise to file suits on behalf of the Government. I am not aware of any other provision authorising them to act for the Government in such judicial proceedings. I think therefore that it is necessary that the Government must by a special order authorise the Deputy Commissioner or other officer for filing such suits.

As there is no time to be lost, the Government will have to pass an order immediately authorising the Deputy Commissioner of Shimoga or preferably the Amildar of Thirthahalli as he is probably in immediate touch with the affair and can go and instruct the lawyer in person if necessary.

The question then arises as to whether the Government should empower the Deputy Commissioner or the Amildar by means of an official order or by means of a Power of Attorney on a stamp paper as a private body. Since Udipi Court is foreign Court, it is doubtful whether it will recognise the official order as proper authority unless there is a provision to that effect in the Rendition Clause. Without settling this point - as I am not aware of any such clause in the Rendition or in the Stamp Act - I cannot instruct the lawyer at Udipi. Please consider over this point and see if you agree with me. On hearing from you I will reply the lawyer."

Copy.

for Judicial Commissioner
19/6

No. 4 Enc. 2 Stamp Papers Rs. 1 Total Value Rs. 1 Draft Power of Attorney & Draft Affidavit.

WD 978—GPB—500—22.11.21

OFFICE OF THE GOVERNMENT ADVOCATE IN MYSORE

Dated Bangalore.....24th June.....1923

59-M-35

FROM

The Government Advocate in Mysore,
BANGALORE.

To

The Secretary to t he Government
of His Highness the Maharaja of Mysore,
Revenue Department,
(Camp) MYSORE.

SIR,

With reference to your Un-official file asking me to take immediate action in the matter of getting - suits filed at Udupi for the recovery of moneys due to the Bhimanakatte Mutt and to some other communications that I have received in this connection from the Muzrai Commissioner in Mysore and the Deputy Commissioner, Shimoga, I have the honor to state that in view of the fact that one important claim is likely to get barred if a - suit is not filed at Udupi on the 29th instant, the action indicated below appears to be the only course possible to safeguard the interests of the Mutt.

(1) An order will have to be passed immediately by the Government authorising the Deputy Commissioner, - Shimoga District, to take all necessary action as contemplated by section 25 of the Muzrai Regulation for the management of the affairs of t he Bhimanakatte Mutt and to take necessary steps for the recovery of dues to the - Mutt, constituting him the representative of Government and the [illegible]

(2) (i) As the Deputy Commissioner, Shimoga Dt. (who, I take it, is now in Mysore) cannot himself, sign and verify plaints in respect of suits which have to be filed on the 29th instant, he will have to execute, immediately

immediately, a Power of Attorney in favour of Mr. B. Bhujanga Rao, the pleader already selected at Udupi,- to enable him to sign and verify the plaints and to - take all necessary action for the realization of the dues. This Power will have to executed on British - Indian Stamp paper (of Rs. 7-8-0), as well as the - Mysore Stamp paper (Rs. 7-8-0), as the stamp laws of both the places have to be satisifeed. To avoid delay in this matter, I have taken the precaution of - purchasing British Indian Stamp paper of the value of Rs. 7-8-0 which is attached hereto. I have advanced the money from my office funds and immediate - arrangements may be kindly made to remit the same to me.

(ii) I am enclosing a draft of the Power of Attorney to be executed. It will have to be engrossed on the two Stamp papers as aforesaid and duly executed by the Deputy Commissioner, Shimoga, - before a Magistrate, whose attestation should be obtained and the seal of the Court should also be duly impressed on the Power.

(3) The accompanying affidavit will also have to be sworn to by the Deputy Commissioner, (before a Magistrate) for being sent to Mr. Bhujanga Rao along with the Power.

(4) Mr. Bhujanga Rao should immediately be put in charge of the necessary funds and of all necessary papers relating to the claim or claims to enable him to take the necessary action in the matter.

(5) All the above should be completed before - Monday

Monday evening and should immediately be despatched to Mr. Bhujanga Rao's address, and a Telegram also - should be sent to him intimating despatch of the - same.

(6) Meanwhile, I am sending to-day, a copy of this letter, to Mr. Bhujanga Rao, for information, - and am giving him all necessary instructions, as far as apossible, to take immediate action in the matter.

(7) As to-day happens to be a Sunday, and I - cannot send this urgent communication even by registered post, and as the matter is one which demands - immediate attention, I am sending this with my office Duffedar to ensure prompt and safe delivery.

I am sorry I have not got any papers relating to this claim here. Otherwise, I would have drafted the Plaint myself. I hope you will take immediate - action as indicated above. Please send a copy of - the Muzrai Regulation to Mr. Bhujanga Rao, as, from the correspondence, I find he wants one.

I have the honor to be,
Sir,
Your most obedient servant,

Government Advocate.

P. S:
The two Un-official files relating to th matter received from you yesterday are herewith - returned as they contain some original papers re: Government Orders issued etc.,

Government Advocate.

IN THE COURT OF THE DISTRICT MUNSIFF, UDUPI.

The Sri Bhimanakatte Mutt,
by Mr. B. Bhujanga Rao,
Attorney for the Deputy
Commissioner, Shimoga. Plaintiff.

VERSUS.

Defendant.

I, A.K. Syed Taj Peeran, Deputy Commissioner, Shimoga District, do hereby state on solemn affirmation as follows:-

As the late Swami of the Sri Bhimanakatte Mutt, situated in the Tirthahally Taluk of the Shimoga District, passed away on the 9th of July 1922, and as no successor has been duly appointed under the rules, the Government of His Highness the Maharaja of Mysore were pleased to take over the Sri Bhimanakatte Mutt under Government management, as per Government Proceedings No. 1586/Muz.59-22-15 dated the 31st October 1922, under power vested in them by section 25 of the Mysore Muzrai Regulation, VI of 1913, and the Mutt is, therefore, at present under Government management.

I, as the Deputy Commissioner of the Shimoga District, and as the Muzrai Officer of the District, as provided for in Section 2, sub-Section (2) of the Mysore Muzrai Regulation VI pf 1913 have power to take the necessary action on behalf of Government in regard to all matters pertaining to the management of the said Mutt, subject to the sanction of Government.

I have also been specially authorised by Government as per Government Order No.
to be the representative of Government and the sole trustee

for the Mutt and to take all necessary action by way of suit or otherwise for the recovery of monies or rents due to the Mutt either in or outside the Mysore State.

In respect of all suits which have to be filed for the recovery of monies or enforcement of claims at Udupi, I have authorised Mr. B. Bhujanga Rao, Pleader, Udupi, by duly executed Power of Attorney, to file suits in the name of the Sri Bhimanakatte Mutt on my behalf, to sign and verify the necessary plaint and other pleadings and to take all action that may be necessary in these matters up to date of realisation of the monies or rents due with the costs of suit relating thereto, as it is not possible for me to go to Udupi; in person to take all these necessary steps.

~~Executed attested~~
~~before me here~~
To be signed and
sworn to before a
Magistrate & seal
of the Court to be
impressed

Copy

Rdamacharya.

Asst Mar Branch Gdg

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, A.K. Syed Taj Peeran, B.A., Deputy Commissioner, Shimoga District, send greetings:

WHEREAS the Swamigalavaru of the Sri Bhimanakatte Mutt which is situated in the Tirthahalli Taluk of the Mysore State passed away on the 9th of July 1922, without leaving any Sishya or successor,

AND WHEREAS, the Government of His Highness the Maharaja of Mysore, were pleased to take the said Mutt under Government management, as per Government Proceedings No. 1586/Muz.59-22-15 dated the 31st October 1922,

AND WHEREAS, I, as Deputy Commissioner and ex-officio Muzrai Officer of the Shimoga District, have authority to be in charge of the management of the affairs of the Mutt, subject to the sanction of Government,

AND WHEREAS the Government have also been pleased to specially authorise me as per Government Order No. ... . to be their representative and the sole trustee of the Mutt for the management of the affairs of the Mutt in general,

AND WHEREAS some suits have to be filed in the South Kanara District for the recoveries of moneys and rents due to the Sri Bhimanakatte Mutt from several persons residing in that District and action has also to be taken for enforcing certain other claims and for re-opening certain proceedings pending before the District Munsiff of Udupi.

NOW, KNOW YE, that I hereby appoint, B. Bhujanga Rao, Esq., Pleader, Udupi, (hereinafter called the Attroney) my true and lawful attorney for me and in my name or in the name of the attorney as shall be thought the most proper and convenient, but for the benefit of the Sri

Bhimanakatte Mutt, to perform the following acts and things:-

(1) To demand, get in and receive of and from the debtors and tenants of the Sri Bhimanakatte Mutt the amounts and rents due by them and all interest, costs and charges thereof, and every debt and sum of money whatsoever owing to the said Mutt from its debtors and tenants, and to pass the necessary receipts or other sufficient discharges for the same,

(2) On non-payment of any such debt, rent or sum of money, to take such proceedings by way of suit, attachment of goods or person against the debtor's tentants &c., as shall be lawful under the law and shall be deemed expedient by the Attroney and to commence, and prosecute, or to appear to answer and defend any action or other proceedings against or by the debtors or tenants as shall be deemed necessary for advisable for the recovery of such debts, rents or monies due or for any of the aforesaid purposes, to sign and verify the necessary plaints or other statements and pleadings on my behalf for the Sri Bhimanakatte Mutt, to appear before any Judge or Court or any other Officer or Officers in Udupi and other places in the South Kanara District, as occasion shall require and generally to do, execute and perform such acts, deeds, matters and things as shall be requisite or expedient according to the Laws, rules and customs of the places,

(3) To make the necessary application in O.S. No.805 of 1921 on the file of theDistrict Munsiff of Udupi, which appears to have been dismissed for default in November 1922 consequont on the demise of the late Swami of the Sri Bhimanakatte Mutt, to get the said suit restored to file and to take all neccssary steps till the final disposal of the suit, the execution of the decree and the realization of the money due under the same, or to take such and similar action in any other suit or proceeding in which such action may be necessary.

(4) Generally, to do all other acts and things which may be necessary, to institute and defend suits, to obtain decrees, to execute the same, to realise all moneys due thereunder, and to pass or grant receipts or other good and sufficient discharges for all monies realised for and on behalf of the said Sri Bhimanakatte Mutt,

(5) For the better and more effectually executing the powers and authorities aforesaid to make and substitute one or more attorney or attorneys under him and in his place and ~~xxxx~~ stead with full power and authority to execute and perform every and any of the powers and authorities hereby vested and given to him, the said B. Bhujanga Rao and such attorney or attorneys so to be nominated by the said B. Bhujanga Rao from time to time, to displace or remove and another or others to appoint and depute in his or their room and stead.

AND I HEREBY AGREE, (In witness whereof) I, A.K. Syed Taj Peeran, Deputy Commissioner, Muzrai Officer, and sole Trustee of the Sri Bhimanakatte Mutt do hereby set my hand this, the ..... day of June, one thousand nine hundred and twenty three.

(To be attested by two witnesses & by a magistrate (Countersd & be impressed)

Copy

Bhimanakatte

Syed Murad Ali

Immediate

Copy of this Govt of H H the Maharaja of Mysore

5-VI-26

Read letter no. C. 52 of 1922-23 dated the 19th June 1923 from the Mysr: Commr in Mysore forwarding copy of letter no. O.C. 75 (Rev) 22-23 dated the 16th June 1923 recd from the Rly Commr Shimoga Dt. stating that certain suits have been filed on behalf of the Kumaraka Mutt for the recovery of certain monies belonging to the Mutt.

Letter no. A dated the 24th June 1923 from the Fin. Adviser in Mysore on this subject.

Camp Mysore C – E. 25/6/23
Order Mar.

The Dy Comr, Shimoga:

Govt direct that the
Dy Comr, Shimoga, be
constituted the representative
of Govt and the Advocate
for the matter in question, and he is
requested to take all necessary
action as contemplated by
Sec 25 of the Mar. Reg.
for the management & disposal of the matt and
recovery of all dues &
the like.

2. The Dy Comr, who at
present is in Mysore & cannot
therefore himself sign &
verify plaints in respect of
suits which have to be
filed on or before the 14th June 23,
will execute immediately
according to the draft herewith forwarded

a power of attorney in
favour of Mr K Krishnaya
Nair, pleader at Ongole
Kindly have it signed &
verify the plaint and
to take all necessary action for
the realisation of the dues.
As the Stamp laws of both
British India & Nizam
have to be satisfied, the
power of Attorney should be
executed before a magistrate
on British Indian Stamp paper &
Nizam Stamp paper
to the value of Rs 7-8-0 each
& Stamp papers of the
value of Rs 7-8-0 each are sent to the
Agency for this purpose
with this letter. The money
Rs 7-8-0 may be sent to the first Advocate in order to
reimburse him for the cost
incurred by him on this
account

3 The accompanying
affidavit should
also be sworn
to before the

Whilst the attestation of
the seal of the Court
should be duly
dispensed.

to be sent to Mr. Rangaswamy
along with the Powers.

4. The Dy Comr is requested
to place Sri Ramjangadan immediately
in possession of the Mcl funds
and of all Mcl papers
relating to the claim or claims
to enable him to take the
Mcl actions in the matter.
The charge will be met
from the funds of the mall.

5. The Dy Comr is requested
to see that all Mcl actions is
taken immediately on the
suit filed on or before the due
date so that the claim or claims
may not be barred by time

Sd/- 25/6/23
Rev Sec
25/6/23

To

The Mun Comr
Dy Comr Shimoga for information with the papers ref to above.
Mem no. 7
25/6/23
Govt Advocate
Comptroller Dy Govt.

Copy to Govt Advocate